

**APPENDIX D**

**REAL ESTATE PLAN  
FOR THE**

**PHASE II, REPORT**

**DREDGED MATERIAL MANAGEMENT PLAN**

**UPPER SAGINAW RIVER, MICHIGAN**

## **APPENDIX D**

### **REAL ESTATE PLAN DREDGED MATERIAL MANAGEMENT PLAN UPPER SAGINAW RIVER, MICHIGAN**

#### **AUTHORITY**

The Upper Saginaw River Dredged Material Management Plan (DMMP) is conducted under the guidance of the National Harbors Program: Dredged Material Management Plan dated July 21, 1994 (EC1165-2-200). The purpose of the DMMP is to determine the location and suitability of dredged material placement sites that satisfy the 20-year future dredge disposal needs of the upper portion of the Saginaw River federal navigation project. An approved DMMP will provide the approval needed to continue design of the Dredge Material Disposal Facility (DMDF) leading in construction of the facility in fiscal year 2005.

The Saginaw River Navigation Project is authorized by the Rivers and Harbors Acts of 1910, 1930, 1937, 1938, 1954, 1962, and 1965. The non-federal sponsor is required by the Water Resources Development Act of 1986, as amended (33 USC 2211) to provide the land needed for construction of the DMDF.

The Real Estate Plan (REP) addresses the Detroit District Corps of Engineers' and the non-federal sponsor's plan to construct a DMDF for placement of dredged material from the upper portions of the Saginaw River, Michigan federal navigation project (Alternative 1). The navigation project consists of a 36-mile navigation channel ranging in depth from 27 to 16.5 feet. The upper portion of the project is 18 miles long and ranges in depth from 22 to 16.5 feet. The REP describes the lands, easements, relocations and disposals areas (LERRD's) required for the construction, operation and maintenance of the DMDF project.

#### **LOCATION**

The Saginaw River is located in Saginaw and Bay counties, Michigan. The location of the DMDF is located northeast of the City of Saginaw, a city of 70,000 residents, and south of Bay City, a city of 39,000 residents. Both cities are county seats. They are located approximately 110 miles north of Detroit, Michigan.

The 281-acre DMDF site is located in both Saginaw and Bay counties. The location is a rural area with many farms. Electricity is readily available, but the rural residences rely on water wells and septic systems. Natural gas is available in limited areas.

The Saginaw area, however, has major tourism and manufacturing industries. General Motors Corporation and Delphi Corporation, a major automobile supplier, have four major manufacturing complexes in the area. The area's location on Lake Huron makes it a major destination for hunting, fishing, and water sports.

## **PROJECT PURPOSE AND DESCRIPTION**

The purpose of the DMDF is to provide for 20 years of capacity for annual dredging of the upper Saginaw River. This requires construction of a facility capable of containing 3,100,000 CY of material. The site is currently diked, because it is located on reclaimed agricultural land. The DMDF requires construction of new offset dikes, which are higher and wider than the existing dikes. In addition, interior dikes will divide the facility into cells. Filling and capping of each cell will occur separately in order to minimize the exposure of wildlife to the dredged material while allowing rapid establishment of vegetation. The facility, also, has a weir to address site effluent. See figure 5 for overall Site Plan.

## **PROJECT LANDS**

Two private owners own the site. The non-federal sponsor, Saginaw County, has initiated preliminary discussions with the owners, who indicate they are willing to convey the site to the County. The property is neither owned by the federal government nor been provided for in another federal project. It, also, is not subject to the navigation servitude. No present or anticipated mineral activity is within site. There are no cemeteries or public facilities requiring relocation. Initial plans and specifications do not identify any relocation of public utilities or roadways. There will be no displacement of persons or businesses.

The State of Michigan Department of Environmental Quality(MDEQ) has identified the DMDF site as a wetland requiring mitigation. The draft Environmental Assessment (EA), however, states the site is not a wetland under federal standards, because it has already been converted to farmland. The non-federal sponsor has agreed to provide 300 acres of wetland mitigation on adjacent land, as required by the MDEQ. The owners of the DMDF site own this land. This mitigation land is not a project feature and is not included in the land needed for the project.

There are no historic properties within the proposed DMDF site. An archeological survey, conducted at the request of the State Historic Preservation Office (SHPO), has revealed two archeological sites on adjacent land, which are potentially eligible for inclusion on the National Register of Historic Places.

## **ESTATES**

The minimum estate, which the non-federal sponsor must possess, is fee (281 acres). The fee area is anticipated to provide sufficient work areas for construction. Thus, temporary work area easements are not anticipated.

## **VALUE OF LANDS, RELOCATIONS, AND DISPOSAL AREAS**

The estimate value of the lands, relocations, and disposal areas required for the DMDF project is \$757,000.00. This amount is determined by a gross appraisal dated March 21, 2005.



## **ENVIRONMENTAL**

As required by the National Environmental Policy Act of 1969 (NEPA), the Corps of Engineers will assess the environmental impacts of the project. As part of this assessment, coordination occurred with the State Historic Preservation Office (SHPO) to determine if properties listed on the National Register of Historic Places are within the area of potential impact. During consultation, the Corps agreed to conduct an archeological survey. The survey identified two potentially eligible archeological sites adjacent to the DMDF site. The SHPO reviewed the proposed DMDF project and found the project would not have an adverse impact on these archeological sites.

An HTRW investigation was, also, performed on the site. It found no evidence of contaminants impacting human health or the environment. (See Environmental Assessment, section 5-11, page EA-6)

In addition, the DMDF project was evaluated under the following acts, as amended: Fish and Wildlife Act of 1956, Fish and Wildlife Coordination Act of 1958, National Historic Preservation Act (NHPA), Michigan Coastal Zone Management Act of 1972, Endangered Species Act of 1973, Water Resources Development Act of 1976, Clean Water Act of 1977, Clean Air Act, and Executive Orders 11988 and 11990. The evaluation concluded the proposed project would not cause significant adverse impacts on the human environment or environmental resources in the project area and the surrounding area.

## **NON-FEDERAL SPONSOR IDENTIFICATION**

The County of Saginaw, Michigan is the non-federal sponsor for the DMDF project. The County will provide local cooperation as required by the Project Cooperation Agreement (PCA) and participate in project design.

The County has the full power, authority and capability to provide the items of local cooperation. It, also, has the legal capability to provide its share of total project costs. Finally, the County has the capability to complete its portion of the project within the designated time frames.

The County is capable of providing all required LERRDs necessary for project construction, operation and maintenance. The County is a legally constituted public body with the full power, authority, and capability to perform the terms of the PCA. It has the power of eminent domain. Its legal department is fully capable of handling acquisitions and condemnations. Requirements of PL 91-646, acquisition policies and procedures, LERRD crediting procedures, and the requirements for land acquisition have been discussed with the sponsor. See enclosed Exhibit A, Assessment of Non-Federal Sponsor's Real Estate Acquisition Capability.

## **REAL ESTATE MANAGEMENT PLAN**

Real Estate Division will further assess real estate requirements for the recommended plan, as well as, provide detailed information regarding LERRD's identified as necessary for the DMDF

project. In addition, Real Estate Division will coordinate, monitor, and assist with all acquisition activities undertaken by the non-federal sponsor. This will assure that the acquisition process complies with Federal and State laws specifically the requirements under the Federal Uniform

Relocation and Acquisition Act (P.L. 91-646). Real Estate Division will also attend district team meetings, review and provide input into draft and final reports prepared by the project delivery team, and participate in the ITR.

The non-federal sponsor has been given detailed information regarding the requirements for LERRD's necessary for completion of the Project and fully anticipates meeting the current District schedule. The Real Estate Division will monitor and assist the sponsor with all acquisition activities undertaken. This assures that the conduct of the acquisition process complies with Federal and State laws.

### **REAL ESTATE COST ESTIMATE**

Federal Administrative costs	\$37,600
Non-Federal Sponsor costs	
a. LERRD's value	757,000
b. Administrative	10,000
Total	<u>\$804,600</u>

## EXHIBIT "A"

### DETROIT DISTRICT REAL ESTATE ASSESSMENT OF NON-FEDERAL SPONSOR REAL ESTATE ACQUISITION CAPABILITY

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PROJECT: Dredged Material Management Plan Upper Saginaw River, Michigan

I. LEGAL AUTHORITY

a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes?

(Yes/No)

Initials DCE Date 5/18/04

b. Does the sponsor have the power of eminent domain for this project?

(Yes/No)

Initials DCE Date 5/18/04

c. Does the sponsor have "quicktake" authority for this project?

(Yes/No)

Initials DCE Date 5/18/04

d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundaries? *A portion of the land is located in Bay County and the non-federal sponsor is Saginaw County.*

(Yes/No)

Initials DCE Date 5/18/04

e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn?

(Yes/No)

Initials DCE Date 5/18/04

II. HUMAN RESOURCE REQUIREMENTS

a. Will the sponsor's in-house staff require training to become familiar with the real estate requirements of Federal projects including P.L. 91-646, as amended?

(Yes/No)

Initials DCE Date 5/18/04

b. If the answer to II.a. is "yes", has a reasonable plan been developed to provide such training?

N/A

Initials DCE Date 5/18/04

c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project?

(Yes/No)

Initials DCE Date 5/18/04

d. Is the sponsor projected in-house staffing levels sufficient considering its other workload, if any, and the project schedule?

(Yes/No)

Initials DCE Date 5/18/04

e. Can the sponsor obtain contractor support, if required in a timely fashion?

(Yes/No)

Initials DCE Date 5/18/04

f. Will the sponsor likely request USACE assistance in acquiring real estate?

(Yes/No)

Initials DCE Date 5/18/04



III. OTHER PROJECT VARIABLES

a. Will the sponsor's staff be located within reasonable proximity to the project site?

(Yes/No)

Initials DCE Date 5/18/04

b. Has the sponsor approved the project/real estate schedule/milestones?

(Yes/No)

Initials DCE Date 5/18/04

c. Has the sponsor performed satisfactorily on other USACE projects?

(yes/no/not applicable)

Initials DCE Date 5/18/04

d. With regard to this project, the sponsor is anticipated to be: highly capable / capable/moderately capable/marginally capable/insufficiently capable. (If the sponsor believed to be insufficiently capable, provide explanation.)

Initials DCE Date 5/18/04

Prepared by:

/S/ DON C. ERWIN

Signature

Chief, Acquisition Branch

Title

Reviewed and approved by:

/S/ VICTOR L. KOTWICKI

Signature

Chief, Real Estate Division

Title